

AMENDED IN SENATE FEBRUARY 15, 2006

AMENDED IN SENATE JUNE 9, 2005

AMENDED IN ASSEMBLY MAY 26, 2005

AMENDED IN ASSEMBLY MAY 3, 2005

AMENDED IN ASSEMBLY APRIL 20, 2005

AMENDED IN ASSEMBLY MARCH 30, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 117

Introduced by Assembly Member Cohn

January 13, 2005

~~An act to amend Section 23575 of the Vehicle Code, relating to vehicles. An act to repeal Section 98.04 of the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 117, as amended, Cohn. ~~Vehicles: ignition interlock device. Tax Equity Allocation formula: County of Santa Clara.~~

Existing property tax law requires the auditor of each county with qualifying cities, as defined, to make certain property tax revenue allocations to those cities in accordance with a specified Tax Equity Allocation (TEA) formula established in a specified statute and to make corresponding reductions in the amount of property tax revenue that is allocated to the county. Existing law specifies that the amount of revenue allocated under these provisions to a qualifying city in the County of Santa Clara shall not exceed 55% of the amount that

otherwise would be allocated to each of these cities under the TEA formula.

This bill would repeal this limitation for a qualifying city in the County of Santa Clara and thereby require that these cities be allocated the TEA formula amount determined under the specified statute. This bill would make legislative findings regarding the necessity of a special statute.

By increasing the amount of ad valorem property tax revenue allocated from the county to qualifying cities in the County of Santa Clara, this bill would change the pro rata shares in which ad valorem property tax revenues are allocated among local agencies in a county, within the meaning of paragraph (3) of subdivision (a) of Section 25.5 of Article XIII of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

By imposing new duties in the allocation of ad valorem property tax revenues in the County of Santa Clara, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law generally allows a court to require the installation of an ignition interlock device and to prohibit the operation of a motor vehicle unless the vehicle is equipped with a functioning, certified ignition interlock device for a person convicted of driving under the influence of alcohol or drugs, or both (DUI).~~

~~Under existing law, a person who is convicted of a DUI offense that occurred within 10 years of one or more separate violations of that offense that resulted in convictions, may apply to the Department of Motor Vehicles for a restricted driver's license that prohibits the person from operating a motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device. This restriction is required to remain in effect for at least the remaining period of the~~

~~original suspension or revocation and until all statutory reinstatement requirements are met.~~

~~This bill would require a court to order a person who is convicted of a DUI offense that occurs within 10 years of 2 or more separate DUI violations that resulted in convictions to install an ignition interlock device on any vehicle that the person owns or operates and to prohibit that person from operating a motor vehicle unless the vehicle is equipped with a functioning, certified ignition interlock device. The bill would require that this restriction be for the rest of the person's life.~~

~~This bill would require the driver's license restriction, described above, to reflect the lifetime restriction.~~

~~Because, under existing law, it is a crime for a person with a restricted license, as described above, to operate a vehicle that is not equipped with a functioning, certified ignition interlock device, this bill would expand the scope of that crime, thereby imposing a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.~~

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 98.04 of the Revenue and Taxation Code~~
- 2 ~~is repealed.~~
- 3 ~~98.04. Notwithstanding any other provision of law,~~
- 4 ~~commencing with the 1989-90 fiscal year and each fiscal year~~
- 5 ~~thereafter, in any given year, the amount allocated by the auditor~~
- 6 ~~in accordance with Section 98 or its predecessor section for a~~
- 7 ~~qualifying city in the County of Santa Clara shall not exceed 55~~
- 8 ~~percent of the amount that otherwise would be allocated pursuant~~
- 9 ~~to that section.~~
- 10 ~~SEC. 2. The Legislature finds and declares that a special law~~
- 11 ~~is necessary and that a general law cannot be made applicable~~
- 12 ~~within the meaning of Section 16 of Article IV of the California~~

1 *Constitution because of the unique fiscal pressures being*
2 *experienced by qualifying cities, as defined in Section 98 of the*
3 *Revenue and Taxation Code, in the County of Santa Clara.*

4 *SEC. 3. If the Commission on State Mandates determines that*
5 *this act contains costs mandated by the state, reimbursement to*
6 *local agencies and school districts for those costs shall be made*
7 *pursuant to Part 7 (commencing with Section 17500) of Division*
8 *4 of Title 2 of the Government Code.*

9 *SEC. 4. This act is an urgency statute necessary for the*
10 *immediate preservation of the public peace, health, or safety*
11 *within the meaning of Article IV of the Constitution and shall go*
12 *into immediate effect. The facts constituting the necessity are:*

13 *In order to provide qualifying cities in the County of Santa*
14 *Clara with the revenues needed to provide vital services that*
15 *protect the public peace, health, and safety as soon as possible, it*
16 *is necessary that this act take effect immediately.*

17 ~~SECTION 1. Section 23575 of the Vehicle Code is amended~~
18 ~~to read:~~

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21 **All matter omitted in this version of the bill**
22 **appears in the bill as amended in the**
23 **Senate, June 9, 2005. (JR11)**
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